

selected by the customer and associated with the remote communication unit prior to the fueling transaction;

- c) accessing information defined by the select types of information; and
- d) providing the information to the customer during a transaction.

43. **(new)** The method of claim 42 wherein the receiving step includes receiving identification indicia for the remote communication unit and the accessing step includes accessing information according to the select types of information in a database using the identification indicia.

44. **(new)** The method of claim 42 wherein the indicia includes the select types of information.

45. **(new)** The system of claim 19 wherein the wireless communication electronics comprises a magnetic card reader/writer and the remote communication units comprise magnetic cards.--

REMARKS

By this preliminary amendment, claims 1-18 have been cancelled, and claims 19-45 have been added. No new matter is added by these cancellations or additions. Claims 19-44 correspond identically to claims 1-10, 17-25, and 27-33 of U.S. Patent 6,422,464 ("the '464 patent) and have been added for the purpose of provoking an interference with that patent.

By this preliminary amendment, the Specification has been amended to add related application data. Applicant submits that the changes to the Specification described above do not constitute the addition of new matter, as support for the instant amendments is provided

throughout the as-filed Specification and drawing figures. Accordingly, Applicant respectfully requests that the Examiner approve the changes to the Specification.

A. Effective Filing Dates

This application is a continuation of U.S. Patent Application No. 10/237,933, filed September 10, 2002 (status pending), which in turn is a continuation of U.S. Patent Application No. 09/922,935, filed August 7, 2001 (status pending), which in turn is a continuation of U.S. Patent Application No. 08/670,599, filed June 26, 1996, now U.S. Patent 6,149,055, which in turn is a continuation-in-part of U.S. Patent Application No. 08/421,486 filed April 13, 1995, now U.S. Patent 5,546,523. The effective filing date of this application is April 13, 1995.

The '464 patent claims priority back to various applications. The earliest possible effective filing date of the '464 claims is September 26, 1997, well after the April 13, 1995 priority date of the claims in the present application. Applicant does not admit that the '464 patent claims are actually entitled to this earliest possible date.

B. 37 C.F.R. 1.607

Applicant submits the following information as required by 37 C.F.R. 1.607(a)(1)-(a)(5). The '464 patent issued on July 23, 2002. Therefore, the claims of the present application were pending within one year of issuance of the '464 patent and no explanation under 37 C.F.R. 1.607(a)(6) is necessary.

(1) Identification of Patent

In accordance with 37 C.F.R. 1.607(a)(1), Applicant requests that an interference be declared between the application filed herewith and U.S. Patent 6,422,464.

(2) Proposed Count

In accordance with 37 C.F.R. 1.607(a)(2), Applicant presents the following proposed count, which corresponds identically to claim 42 presented herein and to claim 31 of the '464 patent:

42. A method for automatically providing customer preferences during a fueling operation comprising:

a) receiving indicia from a remote communication unit in association with a fueling transaction;

b) determining select types of information predefined by the customer using the indicia received from the remote communication unit, the select types of information being selected by the customer and associated with the remote communication unit prior to the fueling transaction;

c) accessing information defined by the select types of information; and

d) providing the information to the customer during a transaction.

(3) Corresponding Claims of the '271 Application

In accordance with 37 C.F.R. 1.607(a)(3), Applicant identifies all claims (i.e., claims 1-33) of the '464 patent as corresponding to the proposed count.

(4) Corresponding Claims of the Present Application

In accordance with 37 C.F.R. 1.607(a)(4), Applicant identifies claims 19-45 of the present application as corresponding to the proposed count. Claim 19 corresponds exactly to the

proposed count. The remaining claims define the same patentable invention as claim 19 and therefore correspond to the proposed count.

(5) Application of Claims 19-44 to the Specification of the Present Application

In accordance with 37 C.F.R. 1.607(a)(5), Applicant submits the following claim chart showing how claims 19-44, copied from the '464 patent, are supported by the specification of the application submitted herewith. The citations therein are exemplary only and not exclusive.

Appl. Claim No.	Claims Copied From US Patent 6,422,464	Exemplary Support in Gatto Application ¹
19	1. A system for automatically providing customer preferences during a fueling operation comprising:	Discloses automatically providing customer preferences during a variety of transactions, including a fueling operation (See, e.g., Col. 1, l. 45-52; and Col. 8, l. 40-60)
	a) a fuel dispenser with an audio/visual customer interface having a display and audio system;	Gas pump with terminal 10 that includes an audio/visual customer interface having at least a display 15 and audio system (e.g., speaker 19 and/or microphone 20)
	b) wireless communication electronics associated with said fuel dispenser and adapted to receive signals including indicia from remote communication units; and	The card reader/writer 13 is a wireless communication electronics associated with the terminal 10 and receives signals including indicia from remote communication units (e.g., magnetic cards 30).
	c) a control system and memory associated with said communication electronics and said customer interface;	Local controller 11 and memory 12
	d) said control system adapted to receive the indicia from a remote communication unit and provide a customer with select information	Controller 11 is adapted to receive the indicia from a remote communication unit (e.g., card 30) and provide a

¹ For convenience, the references are to Gatto patent 5,546,523, from which priority is claimed.

	predefined by the customer at said customer interface, said select information being selected by the customer and associated with the remote communication unit prior to the transaction.	customer with select information predefined by the customer at said customer interface (e.g., customized display based on information read from card 30), and the select information is selected by the customer and associated with the remote communication unit prior to the transaction. For example, transaction information can be stored on card prior to a transaction. (see, e.g., Abstract; Col. 2, l. 34-53; and Col 11, l. 7-19).
20	2. The system of claim 1 wherein said memory is located apart from said fuel dispenser and is operatively associated with a central site control system.	Central memory 300 is located apart from the fuel dispenser and is associated with central control 200
21	3. The system of claim 1 wherein said control system includes a dispenser control system located in said fuel dispenser.	Terminal 10 can include local controller 11 which controls dispenser
22	4. The system of claim 3 wherein said control system further includes a central site control system located apart from said fuel dispenser.	Central control 200 is located apart from the fuel dispenser and is
23	5. The system of claim 1 wherein said control system includes a central site control system located apart from said fuel dispenser.	Central control 200 is located apart from the fuel dispenser and is
24	6. The system of claim 1 wherein the indicia includes identification indicia and said select information is stored in said memory in association with the identification indicia of the remote communication unit and said control system is adapted to access said select information in said memory upon receipt of the identification indicia and provide the select information at the customer interface.	Indicia can include identification information read from card 13 (see, e.g., Fig. 2, step 101) or other storage; card also can store other stored customer selected information; controller accesses the select information (e.g., customer selected transaction information which can be stored in a local memory) and provides it to customer
25	7. The system of claim 1 wherein said	Controller 11 can access

	control system is adapted to access said select information at a remote network based on the indicia and provide the select information at the customer interface upon receipt of the indicia and accessing said select information.	information from central memory 300 and provide the select information at the customer interface upon receipt of the indicia and accessing said select information.
26	8. The system of claim 1 wherein the indicia defines the select information stored in said memory, said control system adapted to access said select information using the indicia after receipt of the indicia and provide the select information at the customer interface.	Indicia can define select information stored in memory or other storage; controller accesses the select information using the indicia and provides it to the customer interface
27	9. The system of claim 1 wherein the indicia includes the select information and said control system is adapted to receive said select information through the communication electronics and provide the select information at the customer interface.	Indicia can include the select information; controller receives the select information through the communication electronics (e.g., card reader) and provides it to the customer interface
28	10. The system of claim 1 wherein the selected information is stored on an audio/visual source adapted for playback of audio/visual material and said control system is adapted control the audio/visual source to play the audio/visual material at said customer interface.	Selected information (e.g., customer menu) can be stored and presented at customer interface Display 15/speaker 19
29	17. The system of claim 1 wherein said select information includes audio and visual components.	The select information inherently includes audio and visual components to be presented by Display 15/speaker 19
30	18. The system of claim 1 wherein said select information includes a desired greeting to be provided at the customer interface to the customer.	Customized display can present desired greeting
31	19. The system of claim 18 wherein said greeting is audibly presented to the customer.	Speaker 19 can audibly present greeting
32	20. The system of claim 18 wherein said greeting is visually displayed to the customer.	Display 15 can visually display greeting
33	21. The system of claim 1 wherein	User can modify stored

	said control system is adapted allow a customer to modify the predefined selected information during a transaction to receive additional selected information.	information during a transaction (Col. 8, l. 7+)
34	22. The system of claim 21 wherein said control system stores the additional selected information as said selected information for future transactions.	Control system stores the additional selected information as said selected information for future transactions (Col. 8, l. 7+)
35	23. The system of claim 22 wherein said control system and said communications system are adapted to transmit information to the remote communications unit to store the additional information as the selected information.	Control system and card reader/writer transmit information to the remote communications unit (e.g., card) to store the additional selected information on the magnetic card as said selected information.
36	24. A system for automatically preventing presentment of information based on customer preferences during a fueling operation comprising:	System can prevent presentment of information based on customer preferences during a fueling operation. For example, can prevent the standard display from being displayed
	a) a fuel dispenser with a customer interface adapted to present information to a customer during a transaction;	Gas pump with terminal 10 that includes an audio/visual customer interface having a display 15 and audio system (e.g., speaker 19 and/or microphone 20) to present information to a customer during a transaction
	b) wireless communication electronics associated with said fuel dispenser and adapted to receive signals including indicia from remote communication units; and	The card reader/writer 13 is a wireless communication electronics associated with the terminal 10 of the gas pump and receives signals including indicia from remote communication units (e.g., magnetic cards 30).
	c) a control system and memory associated with said communication electronics and said customer interface;	Local controller 11 and memory 12 are associated with the card reader/writer 13 and the customer interface (e.g., display 15)

	d) said control system adapted to present said select information at said customer interface;	Controller 11 is adapted to present select information at said customer interface
	e) said control system adapted to receive the indicia from a remote communication unit and prevent presentment of select information at said customer interface, said select information being selected by the customer and associated with the remote communication unit prior to the transaction.	Controller 11 receives the indicia from a remote communication unit (e.g., card 30) and prevents presentment of select information at the customer interface (e.g., can prevent display of the standard menu by providing a customer menu; the select information is selected by the customer and associated with the remote communication unit prior to the transaction (see, e.g., Abstract; Col. 2, l. 34-53; and Col 11, l. 7-19).
37	25. The system of claim 24 wherein the indicia is identification indicia and said select information is stored in association with the identification indicia of the remote communication unit and said control system is adapted to identify said select information upon receipt of the identification indicia and prevent the presentment of the select information accordingly.	Indicia can include identification information read from card 30 (see, e.g., Fig. 2, step 101) or other storage; card also can store other stored customer selected information (menu option); controller accesses the select information and provides it to customer interface to prevent presentment of select information (e.g., standard menu).
38	27. The system of claim 24 wherein predefined parameters are transmitted to the communication electronics from said remote communication unit and said control system is adapted to receive the predefined parameters and control the transaction accordingly.	Predefined parameters (e.g., fuel type or amount of fuel) can be transmitted to the card/reader writer 13 from the card and the controller can use these parameters to control the transaction accordingly.
39	28. An interrogation system associated with a fuel dispensing system for automatically providing customer preferences during a fueling operation, said system comprising:	Discloses system for automatically providing customer preferences during a variety of transactions, including a fueling operation (See, e.g., Col. 1, l. 45-52; and Col. 8, l. 40-60)
	a) a customer transaction interface	customer interface having a

	associated with an interrogator for communicating with transponders; and	display 15 and audio system (e.g., speaker 19 and/or microphone 20) and interrogator (e.g., card reader 13) and transponders (e.g., cards 30).
	b) a control system and memory associated with said interrogator;	Local controller 11 and memory 12 are associated with reader 13.
	c) said control system adapted to interrogate a remote communication unit with said interrogator during a transaction and provide select types of information predefined by the customer at said customer interface, said select types of information being selected by the customer and associated with the remote communication unit prior to the transaction.	The controller 11 interrogates card 30 during a transaction and produces select types of information predefined by the customer at said customer interface, said select types of information being selected by the customer and associated with the remote communication unit prior to the transaction
40	29. The system of claim 28 wherein said interrogator is adapted to interrogate the transponder and receive identification indicia, said provide such information to the control system.	Card reader can receive identification indicia, said control system
41	30. The system of claim 28 wherein said interrogator is adapted to interrogate the transponder and receive indicia including the select types of information predefined by the customer, said control system using the indicia to determine the select types of information predefined by the customer, access the information and provide the information to the customer.	Card reader can interrogate the transponder and receive indicia including the select types of information predefined by the customer; said control system use the indicia to determine the select types of information predefined by the customer, access the information and provide the information to the customer.
42	31. A method for automatically providing customer preferences during a fueling operation comprising:	Discloses a method for automatically providing customer preferences during a fueling operation comprising
	a) receiving indicia from a remote communication unit in association with a fueling transaction;	Controller 11 receives indicia from a remote communication unit (e.g., card 30) in association with a fueling

		transaction
	b) determining select types of information predefined by the customer using the indicia received from the remote communication unit, the select types of information being selected by the customer and associated with the remote communication unit prior to the fueling transaction;	Controller 11 determines select types of information predefined by the customer using the indicia received from the remote communication unit, the select types of information being selected by the customer and associated with the remote communication unit prior to the fueling transaction;
	c) accessing information defined by the select types of information; and	Controller 11 accesses information defined by the select types of information (e.g., transaction information, menu information, etc.)
	d) providing the information to the customer during a transaction.	provides the information to the customer during a transaction.
43	32. The method of claim 31 wherein the receiving step includes receiving identification indicia for the remote communication unit and the accessing step includes accessing information according to the select types of information in a database using the identification indicia.	Controller 11 receives identification indicia for the remote communication unit (e.g., card 30) and the accessing step includes accessing information according to the select types of information in a database using the identification indicia.
44	33. The method of claim 31 wherein the indicia includes the select types of information.	Indicia includes the select types of information

CONCLUSION

For all of the above reasons, Applicant respectfully requests that an interference be declared between the present application and the '464 patent. If the Examiner believes that

prosecution of this continuation application might be advanced through a personal or telephone interview, the Examiner is invited to call the undersigned.

Respectfully submitted,

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